

~~commands~~ commands of the second commands are written collectively in each area of said plurality of areas, which commands correspond to a respective one of said plurality of generating portions.

5. (Currently Amended) A subcode-data generating circuit, which generates and selects subcode data including subcode component data, ~~the a state of which alternates said subcode component data alternating~~ between a high state and a low state at a predetermined period, said circuit comprising:

A  
a toggle generating portion which independently generates subcode component data, the state of ~~which alternates said subcode component data alternating~~ between the high state and the low state at the predetermined period; and

a selecting portion which selects one of the ~~outputs~~ subcode component data of said toggle generating portion ~~and data, the state of which alternates said subcode component data alternating~~ between the high state and the low state at the predetermined period, based on a number of sectors based on original relating to pre-alternating data of the subcode component data. CHANGES

#### REMARKS

The application has been reviewed in light of the Office Action dated June 5, 2003. Claims 1-5 are pending in this case, with claims 1, 3 and 5 being in independent form. Claims 1 and 3-5 have been amended to correct formal matters and to place them in better condition for allowance. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 1-5 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctively claim the subject matter which applicant regards as the invention. The claims have been carefully reviewed and amended with particular attention to the points raised in the Office Action. Withdrawal of the rejection under Section 112, second paragraph, is respectfully requested.

Claim 5 was rejected under 35 U.S.C. § 101 as allegedly being inoperative and therefore lacking utility. Without conceding the propriety of this rejection, it is believed that the formal changes being made to Claim 5 even further clarify the claimed subject matter in terms satisfying Section 101. Withdrawal of the rejection under Section 101 is respectfully requested.

Claims 1-4 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pat. No. 6,075,920 to Kawamura et al. Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits independent claims 1, 3 and 5 are patentably distinct from the cited art, for at least the following reasons.

Independent claim 1 relates to a subcode-data generating circuit, which generates subcode data including subcode component data which indicates at least one of time information and information other than the time information. The circuit comprises a first generating portion for automatically generating the subcode component data which indicates the time information, a second generating portion for automatically generating the subcode component data which indicates the information other than the time information and a selecting portion which selects an output of at least one of said first and second generating portions.

The structure described in claim 1 is capable of reducing the burden of system control in high-speed processing and improving memory usage efficiency by commands such as repeat, increment, decrement, etc.

Kawamura et al., as understood by Applicant, relates to a method and apparatus for recording/reproducing data and subcode information onto/from a recording medium. The recording medium is capable of recording data including a subcode. Time code information, entry point information, picture header information, temporal reference information or copyright information can be used in addition to a four-byte sector number as the contents of the subcode (Column 5, lines 1-48). As understood, Kawamura et al. is concerned with solving a problem in identification of address position in case the bit rate changes, a problem in reproduction of video data and a problem concerning copyrights. To solve these problems, subcode is generated as additional information for the purpose of data reproduction. As understood by Applicant, the subcode generation is performed using user data according to instructions given by a user.

In contrast, as recited in independent claim 1, a first generating portion *automatically* generates the subcode component data which indicates the time information, a second generating portion *automatically* generates the subcode component data which indicates the information other than the time information and a selecting portion selects an output of at least one of the first and second generating portions.

Accordingly, Applicant submits independent claim 1 is patentably distinct from Kawamura et al.

Independent claim 3 is believed to be patentably distinct from the cited art for at least similar reasons.

In view of the above amendments and remarks, it is respectfully submitted that the present application is now in condition for allowance.

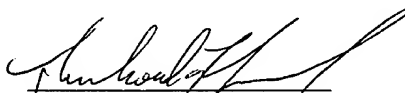
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment is earnestly solicited and it is respectfully submitted that this amendment raises no new issues requiring further consideration and/or search.

Respectfully submitted,



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